

REMARKS

Claims 18, 20-23 have been amended. Claims 26-33 have been added. Thus, Claims 18-33 are pending in this application.

I. Priority

Applicant resubmits a certified copy of the priority documents as requested by the Examiner.

II. Claim Objections under 35 U.S.C. §112

Claims 18-25 have been objected to for failing to particularly point out and distinctly claim the subject matter of the present invention.. Claim 18, 20-23 have been amended overcome this rejection. The amended claims now define the present invention and the interrelationship of the different claim elements more clearly. Applicant resolved all indicated lack of antecedent basis with respect to the claim terms. However, the term “the magnetic field” is defined in Claim 1 line 11 and, thus, does not lack antecedent basis.

Applicant also added a new independent claim 26 which defines the present invention in a more structural way. Furthermore, new claims 27-32 have been added which are dependent on claim 26.

III. Claim Rejection under 35 U.S.C. §102

The Examiner rejected claims 18 and 25 under 35 U.S.C. §102(a) as being anticipated by DE 10032143 or WO 01/23897 (both Schwabe). Applicant respectfully disagrees. Both references are not available as §102(a) prior art because the present application claims a priority date of December 22, 2000. The DE 10032143 has been published May 10, 2001 and the WO 01/23897 has been published April 5, 2001.

The Examiner furthermore rejected claims 18-25 under 35 U.S.C. §102(b) as being anticipated by Boehringer. Applicant respectfully disagrees. Boehringer does not provide for an arrangement to compensate an eddy-current field created by a high speed rotation of the Ferraris disk. Boehringer merely discloses a combined optical and Ferraris disk in a combined acceleration and position sensor. Any type of eddy-current field generated by a Ferraris disk will simply remain uncompensated in this arrangement. Applicant amended independent claim 18 to

more clearly show the interrelation ship of this compensation arrangement in the present invention.

The claims 19-25 are dependent claims and, thus, include all the limitations of the respective independent claims. Therefore, these claims are patentable at least to the extent of the respective independent claims. Because Applicant believes that the independent claims are patentable in view of the cited prior art, Applicant defers to present arguments with respect to the dependent claims at this time.

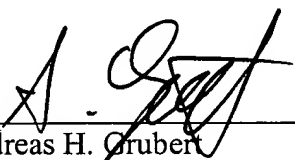
SUMMARY

In light of the above remarks, reconsideration and withdrawal of the outstanding rejection is respectfully requested. It is further submitted that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the agent of record by telephone or facsimile.

Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 071308.0187.

BAKER BOTTS L.L.P.

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